

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 01/20/2012 has been entered.

Response to Arguments

2. Applicant's arguments filed 01/20/2012 have been fully considered but they are not persuasive.
3. With respect to claims 1, 11 and 21, applicant states on remarks page 8, at best, Dureau discloses converting a media file from a first format to a second format and presenting for playback in a first home. Further, Lu, at best, discloses a PVR in a first home storing information for later transmission to a second home. Neither of these references discloses the dual operation access of a stored media file, first for usage in the first home and second for transmission to a second home. The examiner respectfully disagrees.
4. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208

USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). As states by applicant Dureau discloses converting a media file from a first format to a second format and presenting for playback in a first home. Lu et al teaches a PVR in a first home storing information for later transmission to a second home. Thus, the combination meets both operations present in claims 1, 11 and 21.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

6. Claims 1, 11 and 21 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Claims 1, 11 and 21, include limitations "converting within said first home, said received media file from said first format to a second format compatible for one or both of presentation and/or playback on a television screen within a second home in a second geographic location." However, originally filled specification provides no support.

Claim Rejections - 35 USC § 101

7. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 11- 20 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claim 11 sets forth a “machine readable storage.” However, the specification as originally filed does not explicitly define the machine readable storage. The United States Patent and Trademark Office (USPTO) is obliged to give claims their broadest reasonable interpretation consistent with the specification during proceedings before the USPTO. *See In re Zletz*, 893 F.2d 319 (Fed. Cir. 1989) (during patent examination the pending claims must be interpreted as broadly as their terms reasonably allow). The broadest reasonable interpretation of a claim drawn to a machine readable storage (also called computer readable medium and other such variations) typically covers forms of non-transitory tangible media and transitory propagating signals *per se* in view of the ordinary and customary meaning of computer readable media, particularly when the specification is absent an explicit definition or is silent. *See* MPEP 2111.01. When the broadest reasonable interpretation of a claim covers a signal *per se*, the claim must be rejected under 35 U.S.C. § 101 as covering non-statutory subject matter. *See In re Nuijten*, 500 F.3d 1346, 1356-57 (Fed. Cir. 2007) (transitory embodiments are not directed to statutory subject matter) and *Interim Examination Instructions for Evaluating Subject Matter Eligibility Under 35 U.S.C. § 101*, Aug. 24, 2009; p. 2.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims **1-5, 7, 8, 10-15, 17, 18, 20-25, 27, 28, 30, & 31** are rejected under 35 U.S.C. 103(a) as being unpatentable over Dureau (US Patent Application Publication No. 2003/0135860 A1) in view of Lu (US Patent No. 7,065,778 B1).

With respect to Claim **1**, the claimed *"receiving a media file from a communication network at a first home in a first geographic location, said media file received from outside said first home"* is met by Dureau that discloses the use of a proxy receiver, **12**, receiving media files from various sources of programming (Broadcast Station **16**, Internet **60**, Source **13, 18, & 19**) via a transmission medium, **17**, (satellite **23**, cable **24**, terrestrial **25**) at a first location **50** at a given first geographic location (*Fig. 1; Abstract; paragraph [0024], [0028], & [0033]*). The claimed *"determining within said first home, a first format of said received media file"* is met by Dureau that discloses the use of a proxy receiver, **12**, in detecting the data that it is receiving at a first location **50**- whereby the receiving device **12** may comprise such devices as a set-top box, a television, a video cassette recorder, a personal video recorder, a personal digital assistant, a personal computer, a video game console, or a mobile/cell phone (*Abstract; Fig. 1; paragraph [0012], [0023], [0028], [0043], & [0047]*).

The claimed *"converting within said first home, said received media file from said first format to a second format compatible for one or both of presentation and/or playback on a television screen within a second home in a second geographic location"*, "storing said second format compatible media file within said first home; in first operation, retrieving said second format compatible media file from storage and transmitting said second format compatible media file within said first home for playback; and in a second operation, retrieving said second format compatible media file from storage" is met in part by Dureau that discloses the converting of received data by a proxy receiver, **12**, from a first format to a second format and the use of any number of receiving devices, **30A-N**, including a television for the display of the transcoded data at the same geographic location (*Abstract; Figs. 1,2&4; paragraphs [0012], [0028], [0035-0037], [0038-39] and [0042-43]*).

The Dureau reference is silent with respect to the *"presentation and/or playback on a television screen within a second home in a second geographic location"* and "transmitting said second format compatible media file from said first home to said second home for playback".

However, in the same field of endeavor, the Lu reference teaches the use of a personalized video recorder (PVR) in transmitting recorded media from a first geographic location to a second geographic location for viewing on display device 212 (*Abstract; Figs. 2-4; col.2, lines 25-28; col.6, lines 54-58; col.7, lines 47-53; col.9, lines -20-26; col.10, lines 10-15, 26-38; col.11, line 66 to col.12, line 2; col.13, lines 47-51; col.14, line 65 to col.15, line 2*). It would have been obvious to one skilled in the art, at the time of the

invention, to have combined the Dureau reference with that of the Lu reference in order to allow transcoded data to be transferred from a first geographic location to a second geographic location. A person of ordinary skill in the art would have been motivated to make such a modification to the Dureau reference in order to ensure proper presentation and/or playback of transmitted data sent from a first geographic location to a second geographic location.

With respect to Claim 2, the claimed *"comprising one or both of decoding and/or decrypting said received media file within said first home"* is met by Dureau that discloses the use of a proxy receiver, 12, within a first location, 50, in de-multiplexing a multiplexed data signal received via a digital satellite transmission to obtain a compressed television program and/or interactive applications in it (*Fig. 4; paragraphs [0028] & [0036-0038]*).

With respect to Claim 3, the claimed *"comprising transcoding said received media file within said first home from said first format to said second format"* is met by Dureau that discloses the transcoding of received data by a proxy receiver, 12, from a first format to a second format within a first location, 50 (*Abstract; Figs. 1, 2 & 4; paragraphs [0012], [0028], & [0035-0037]*).

With respect to Claim 4, the claimed *"comprising directly transferring said converted media file to at least one media peripheral located within first home"* is met by Dureau that discloses the transferring of the transcoded data from the proxy receiver, 12, to a number of receivers, 30A-N, which may be a set-top box (STB), a television (TV), a video cassette recorder (VCR), a personal video recorder (PVR), a personal digital assistant

(PDA), a personal computer (PC) a video game console, and/or a mobile/cell phone (Fig. 1,3,&4; paragraphs [0012], [0028], [0033], [0035], [0037], & [0044]).

With respect to Claim 5, the claimed *"comprising distributing said converted media file to one or both of a media peripheral within said first home and/or a media peripheral within a second home via one or both of a wired and/or a wireless connection"* is met by Dureau that discloses the use of a proxy receiver, 12, in converting received data from one format to another and distributing converted data to a number of receivers, 30A-N, via a wired/wireless connection (Abstract; Figs. 1&3; paragraphs [0033-0035] & [0037]).

With respect to Claim 7, the claimed *"comprising storing said converted media file in one or both of a network attached storage and/or a storage area network within one or both of the first home and/or a said second home"* is met by Dureau that discloses the use of a mass storage unit, 314, in storing the transcoded content (Fig.5; paragraphs [0038], [0042] & [0043]).

With respect to Claim 8, the claimed *"comprising: retrieving said stored converted media file; and displaying on said television screen within said first home, said retrieved converted media file"* is met by Dureau that discloses the storage of transcoded data in mass storage device, 314, prior to transmission, such as format 530A destined for television output (Fig. 5; paragraph [0043]).

With respect to Claim 10, the claimed *"wherein said received media file is one or more of audio, video, image, graphical, and/or textual media file"* is met by Dureau that discloses the receiving of audio, video, still images, text, interactive graphics and

applications by a receiver (12) that has the ability to transcode data from one format to a second format (*Figs. 1,3,&5; paragraphs [0004], [0005], [0010], [0038], & [0039]*).

Claim 11 is met as previously discussed with respect to Claim 1. In addition, the references teach a machine-readable storage having stored thereon, a computer program having at least one code section for providing media in a communication network, the at least one code section being executable by a machine (Dureau: 0040).

Claim 12 is met as previously discussed with respect to Claim 2.

Claim 13 is met as previously discussed with respect to Claim 3.

Claim 14 is met as previously discussed with respect to Claim 4.

Claim 15 is met as previously discussed with respect to Claim 5.

Claim 17 is met as previously discussed with respect to Claim 7.

Claim 18 is met as previously discussed with respect to Claim 8.

Claim 20 is met as previously discussed with respect to Claim 10.

Claim 21 is met as previously discussed with respect to Claim 1. In addition, Dureau discloses control units (302, 502) within the proxy receiver (12) and the transcode subsystem (310) responsible for receiving data, the detection of the data, and the transcoding of the data (*Fig. 1, 4, & 5; paragraphs [0038] & [0043]*).

Claim 22 is met as previously discussed with respect to Claim 2.

Claim 23 is met as previously discussed with respect to Claim 3.

Claim 24 is met as previously discussed with respect to Claim 4.

Claim 25 is met as previously discussed with respect to Claim 5.

Claim 27 is met as previously discussed with respect to Claim 7.

Claim **28** is met as previously discussed with respect to Claim **8**.

Claim **30** is met as previously discussed with respect to Claim **10**.

With respect to Claim **31**, the claimed *"wherein said at least one processor is one or more of a media processing system processor, a media management system processor, a computer processor, a media exchange software processor and/or a media peripheral processor"* is met Dureau that discloses the use of control units (**302**, **502**) within the proxy receiver (**12**) and the transcode subsystem (**310**) responsible for receiving data, the detection of the data, and the transcoding of the data (*Fig. 1, 4, & 5; paragraphs [0038] & [0043]*).

10. Claims **6, 9, 16, 19, 26, & 29** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Dureau (US Patent Application Publication No. 2003/0135860 A1)** in view of **Lu (US Patent No. 7,065,778 B1)** as applied to Claims **1-5, 7, 8, 10-15, 17, 18, 20-25, 27, 28, 30, & 31** above, and further in view of **Kaars (US Patent Application Publication No.2003/0066084 A1)**.

With respect to Claim **6**, the claimed *"comprising receiving authorization for said distributing of said converted media file to said at least one media peripheral within said second home"* is not explicitly taught by the Dureau reference in view of the Lu reference. However, in the same field of endeavor, the Kaars reference teaches a system in which a user can input, via a user interface (**116**), an indication of a particular playback device, in the form of a numeric code, that will received transcoded data, such

as a PC (**142**), at a possible 2nd location, connected to a data transcoding device (**100**) via an internet connection (*Figs. 1 & 2; paragraphs [0015], [0025], [0028]*).

It would have been obvious to one skilled in the art, at the time of the invention, to have combined the system taught by the Dureau reference, in view of the Lu reference, with that of the system taught by the Kaars reference in order to increase the functionality and to allow a user the ability to authorized the transfer of transcoded data from a first location to a second location. A person of ordinary skill in the art would have been motivated to make such a modification to the Dureau reference in order to provide a user at a second location with media files that otherwise cannot be viewed.

With respect to Claim **9**, the claimed *"comprising storing said received media file prior to said converting in one or more of a network attached storage, a storage server and/or a storage area network located at said first home"* is met by the Kaars reference that teaches the storage of received data in storage device (**110**) prior to the transcoding of the data (*Figs. 1-3; paragraphs [0010], [0022], [0027]*).

Claim **16** is met as previously discussed with respect to Claim **6**.

Claim **19** is met as previously discussed with respect to Claim **9**.

Claim **26** is met as previously discussed with respect to Claim **6**.

Claim **29** is met as previously discussed with respect to Claim **9**.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KUNAL LANGHNOJA whose telephone number is (571)270-3583. The examiner can normally be reached on M-F 10:00 A.M.- 6:30 P.M. ET. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Scott Beliveau can be reached on 571-272-7343. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

KL

/Scott Beliveau/

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